

FILED

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America

v.

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)

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Case No.

Ulises LOPEZ-PACHECO and
Oscar LOPEZ-VALDIVIA

)

)

)

Defendant(s)

2:19 MJ 129

EFB

AUG 14 2019
 CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY _____
 DEPUTY CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 18, 2019 through August 13, 2019 in the counties of Tehama and Glenn in the

Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1)	Manufacturing at Least 100 Marijuana Plants

This criminal complaint is based on these facts:

(see attachment)

Continued on the attached sheet.



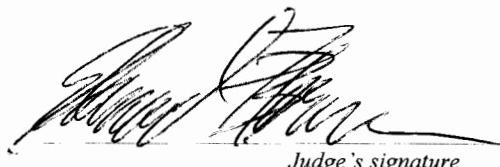
Complainant's signature

JERAMIAH LAUDENSLAGER
 United States Forest Service Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8-14-2019



Judge's signature

City and state: Sacramento, CA

Edmund F. Brennan, U.S. Magistrate Judge
 Printed name and title

AFFIDAVIT
AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

I, Jeremiah Laudenslager, being duly sworn, hereby declare under penalty of perjury the facts presented below are true and accurate to the best of my knowledge.

I. NATURE OF AFFIDAVIT AND AFFIANT'S CREDENTIALS

- 6 1. I make this affidavit in support of the issuance of a Criminal Complaint and Arrest Warrants for:
7 (1) Ulises LOPEZ-PACHECO; and (2) Oscar LOPEZ-VALDIVIA for manufacturing at least 100
8 marijuana plants, in violation of 21 U.S.C. § 841(a)(1).

10 2. I am a Special Agent employed by the United States Forest Service (USFS). I have been a
11 Special Agent since November 2012. I am a “law enforcement officer” “of the United States” within the
12 meaning of 18 U. S. C. § 2510(7), who is empowered by law to conduct investigations of, and to initiate
13 arrests for, various offenses involving national forest lands, including Title 21 offenses outlawing the
14 manufacture of marijuana. The facts in this affidavit come from my personal observations, my training
15 and experience, information obtained from other agents and law enforcement officers, and my review of
16 documents related to this investigation. This affidavit is intended to show merely that there is sufficient
17 probable cause for the requested criminal complaint and arrest warrants and does not set forth all of my
18 knowledge about this matter.

20 3. I have received seven months of full time, formalized training at the Federal Law Enforcement
21 Training Center in Brunswick, Georgia. Portions of that training included the following subjects related
22 to controlled substances offenses: drug identification, detection, smuggling, and interdiction; undercover
23 operations; money laundering techniques; the manufacture, transportation, concealment, and sales of
24 controlled substances, including marijuana; and the investigation of individuals and organizations
25 involved in such criminal activities. I have participated in numerous investigations involving controlled
26 substances. I have also conducted countless hours of surveillance, observing and recording movements
27 of persons trafficking drugs and those suspected of trafficking drugs. Additionally, I have participated
28 in and/or executed numerous search warrants authorizing the search of locations such as residences, cell

1 phones, and vehicles related to drug traffickers and their co-conspirators. These investigations have
2 resulted in arrests of numerous individuals, and the seizure of illicit drugs and drug-related evidence.

3 4. As a result of my experience, I have become familiar with the day-to-day operations and the
4 various practices, tools, trends, paraphernalia, and related articles utilized by various drug traffickers and
5 manufacturers in their efforts to cultivate, possess, import, conceal, and distribute controlled substances,
6 including marijuana manufacturing.

7

8 5. During the course of these investigations, I have had the opportunity to discuss at length with
9 other law enforcement officers and agents their investigations of suspects involved in the manufacture
10 and transportation of marijuana. During these conversations, I have discussed the methods and practices
11 used by criminal organizations to manufacture marijuana, evade detection, communicate between
12 workers in the gardens and those outside the gardens, and transport marijuana, equipment, and supplies.

13

14 6. During the course of those investigations against outdoor marijuana manufacturers, I have
15 observed that persons responsible for manufacturing large numbers of marijuana plants in remote areas
16 on national forest land often camp in or near the garden site to allow easier access to the garden which
17 are often labor intensive, save on transportation of the workers, and also protect the garden from
18 possible intruders who might steal the marijuana.

19

20 7. Based on my training and experience, through discussions with experienced drug investigators
21 and through the information I have learned through investigations, I know that most outdoor live-in
22 marijuana manufacturing operations are generally conducted in a similar manner. Outdoor marijuana
23 manufacturing operations involving large number of marijuana plants require: (1) substantial labor to
24 tend to the plants; (2) outside logistical support for the labor force tending to the plants; and (3) financial
25 support for the operation until proceeds for the processed marijuana are received.

26

27 8. Outdoor marijuana manufacturing organizations start exploring and scouting potential new
28 manufacturing sites in the late winter and early spring. Additionally, during scouting excursions, these

1 organizations attempt to identify roadside drop points that can be utilized for the delivery of supplies,
2 equipment and people, which are in adjacent proximity to the operation's trailheads and/or
3 manufacturing sites. A roadside drop point is a designated location where the drivers can deliver
4 equipment, supplies and, workers for the manufacturing site. Roadside drop points are normally
5 connected by path to the marijuana grow site so workers can walk the delivered supplies to the camp
6 area and marijuana garden, on the one hand, and the marijuana from the grow site to the drop point, on
7 the other hand. It is normal to locate a distinct trail system near the roadside drop points.

8 II. STATEMENT OF PROBABLE CAUSE

9 9. Since early May 2019, agents have been investigating illegal marijuana cultivation activities on
10 the Mendocino National Forest. During this investigation, agents have identified a marijuana grow site
11 in a remote area of the Mendocino National Forest, in Tehama County, California ("Grow Site #1") and
12 another grow site in Glenn County, California ("Grow Site #2"). Agents raided **Grow Site #1** on
13 August 8, 2019, and eradicated 906 marijuana plants. Agents raided **Grow Site #2** on August 13, 2019,
14 and eradicated 741 marijuana plants.

15

16 10. During the investigation I identified two supply drop points above **Grow Site #2** and
17 sections of trail leading down into the Salt Creek Drainage, towards **Grow Site #2**. I placed hidden
18 motion activated trail cameras at these supply drop points.

19

20 11. On June 8, 2019, at approximately 11:13 am, surveillance images captured a Hummer
21 backing into one of the drop points for **Grow Site #2**. Alonso LOPEZ-VALDIVIA (the registered owner
22 of the vehicle) opened the back of the vehicle, with a Hispanic man (later identified as Ulises LOPEZ-
23 PACHECO), dressed in full camouflage clothing with a green backpack, standing next to him. Several
24 minutes later, Alonso LOPEZ-VALDIVIA opened the passenger side door and began removing items.
25 Ulises LOPEZ-PACHECO picked up a propane tank and carried it toward the trail while Alonso
26 LOPEZ-VALDIVIA continued to remove items from the front passenger compartment. Ulises LOPEZ-
27 PACHECO walked back over to Alonso LOPEZ-VALDIVIA and moved a white grocery bag and a
28 brown paper bag toward the back of the vehicle.

1 12. On June 18, 2019, at approximately 3:20 pm, surveillance images at one of the supply
2 drop points for **Grow Site #2** reveal a man who appears to be Ulises LOPEZ-PACHECO dressed in a
3 camouflage long sleeve shirt, blue jeans and ball cap walking at the supply drop point. Soon after, a
4 vehicle arrives at the supply drop point. The man who appears to be Ulises LOPEZ-PACHECO is
5 carrying items off the side of the hill, and another man (later identified as Oscar LOPEZ-VALDIVIA),
6 dressed in a maroon long sleeve shirt, blue jeans, and green full brim hat, is at the driver's door of the
7 vehicle. Oscar LOPEZ-VALDIVIA and the man who appears to be Ulises LOPEZ-PACHECO carry
8 grocery bags off the side of the hill.

9
10 13. On August 12, 2019, a search warrant for 1290 Northgate Road, Apartment 35, Yuba
11 City, California, was issued by the Honorable Edmund F. Brennan.

12
13 14. On August 13, 2019, Agents executed the search warrant at 1290 Northgate Road,
14 Apartment 35. Ulises LOPEZ-PACHECO and Oscar LOPEZ-VALDIVIA were discovered inside the
15 residence along with Alonso LOPEZ-VALDIVIA. I immediately recognized Ulises LOPEZ-PACHECO
16 from the trail camera photos taken on June 8, 2019.

17
18 15. A subsequent interview of Ulises LOPEZ-PACHECO was conducted, with a Spanish-
19 speaking agent translating. Agents advised Ulises LOPEZ-PACHECO of his *Miranda* rights and he
20 stated he understood and agreed to speak with agents. During the interview Ulises LOPEZ-PACHECO
21 said he had been in **Grow Site #2** for approximately 2-3 months. I showed him an image taken on June
22 8, 2019, at one of the supply drop points and he confirmed that was him in the photo. Ulises LOPEZ-
23 PACHECO said they were planting marijuana in the mountains. He said there were about 300
24 marijuana plants in **Grow Site #2** and that they were grown from seed. He said that he and Oscar
25 LOPEZ-VALDIVIA were in **Grow Site #2** together. He said Alonso LOPEZ-VALDIVIA, Oscar
26 LOPEZ-VALDIVIA, Ulises LOPEZ-PACHECO, and the men arrested from **Grow Site #1** on August 8,
27 2019 (Martin Alberto MACIAS and Ramiro LOPEZ-PACHECO (2:19-mj-125-DB)) were all in it
28 together and they were all going to get the same percentage of the proceeds. He said they were going to

1 rent a house, stash the marijuana, and find someone to buy it. He said he and Oscar LOPEZ-
2 VALDIVIA would get ahold of Alonso LOPEZ-VALDIVIA to bring supplies. He said he left **Grow**
3 **Site #2** on Saturday (August 10, 2019) or Sunday (August 11, 2019) to try and find his buddies (who
4 were arrested in **Grow Site #1** on August 8, 2019).

5

6 16. Agents also interviewed Oscar LOPEZ-VALDIVIA, with a Spanish-speaking agent
7 translating. Agents advised Oscar LOPEZ-VALDIVIA of his *Miranda* rights and he stated he
8 understood and agreed to speak with agents.. During the interview, Oscar LOPEZ-VALDIVIA said he
9 had been in **Grow Site #2** somewhere between 15 days to a month. He said he was in **Grow Site #2**
10 with Ulises LOPEZ-PACHECO. Oscar LOPEZ-VALDIVIA said he would work in the entire grow site
11 but was only paid to water about 200 marijuana plants and the marijuana plants had already been planted
12 when he arrived. He said there were about 400 marijuana plants in **Grow Site #2**. He said Alonso
13 LOPEZ-VALDIVIA had brought them supplies when they were in **Grow Site #2**. He said he and Ulises
14 LOPEZ-PACHECO went to **Grow Site #1** when they could not get ahold of the men who had been
15 working there. He said he left **Grow Site #2** on Sunday (August 11, 2019) and Alonso LOPEZ-
16 VALDIVIA picked him up. During the interview I showed him one of the pictures taken on June 18,
17 2019. Oscar LOPEZ-VALDIVIA confirmed that it was him and Alonso LOPEZ-VALDIVIA in the
18 picture at the supply drop point. He said Alonso LOPEZ-VALDIVIA had paid him \$1,000 for the work
19 he did in the marijuana grow.

20 [CONTINUED ON NEXT PAGE]

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III. CONCLUSION

17. Based on the foregoing, I believe that there is probable cause that Ulises LOPEZ-PACHECO and Oscar LOPEZ-VALDIVIA manufactured at least 100 marijuana plants, in violation of 21 U.S.C. § 841(a)(1). Accordingly, I request that the Court issue the Criminal Complaint and Arrest Warrants sought herein.

Respectfully submitted,

JERAMIAH LAUDENSLAGER
United States Forest Service Special Agent

Approved as to form on August 14, 2019.

David Spencer
Assistant United States Attorney

Sworn and subscribed to on August , 14 2019,

HON. EDMUND F. BRENNAN
United States Magistrate Judge